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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,328	10/17/2003	Michael J. Skarlupka	H0005944	7956

7590 10/01/2004  
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EXAMINER
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KLAUS, LISA NHUNG

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/688,328	<b>Applicant(s)</b> SKARLUPKA ET AL.	
	<b>Examiner</b> Lisa N. Klaus	<b>Art Unit</b> 2832	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-10 is/are allowed.
- 6) ☐ Claim(s) 1-4, 11-14, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) 5-7 and 15-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/17/03</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 4, 13 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

2. The term "can be" in claims 3, 13, is a relative term which renders the claim indefinite. The term "can be" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 11-13 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Daigle (US 4,418,252).

Daigle discloses a key switch 15 comprising:

- an enclosure 16 having a plurality of walls 21, 22, 30 and 31 from which a cavity and at least one slot 41 are formed;
- a plunger 18 comprising at least one key portion 61 and 62, wherein the plunger 18 is partially located and maintained within the cavity of the enclosure 16;

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- at least one slot 41 formed from at least one wall 22 of the enclosure 16 for engaging the at least one key portion 61 and 62 of the plunger 18;
- a plunger 18 comprises a shape in a form of a shaft;
- at least one wall 21 of the plurality of walls 21, 30 and 31 comprises an opening 78 which *can be* covered by a removable mating cover 21;
- the plunger 18 comprises an undercut portion 81;
- engaging the undercut portion 81 of the plunger 18 with a protruding portion 25 of the cover 21 which surrounds the undercut portion of the plunger to maintain the plunger within the enclosure 16;
- wherein the protruding portion of the plunger extends from the cover in a direction perpendicular to the cover.

***Allowable Subject Matter***

4. Claims 4 and 14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

5. Claims 5-7 and 15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 8-10 are allowed.

The following is an examiner's statement of reasons for allowance:

The Prior Art does not teach or suggest the switch enclosure comprising:

Claims 4 and 14: a protruding portion configured from the mating cover for engaging the slot;

Claims 5 and 15: a busing 62 and 63 formed from the wall of the enclosure 16,

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wherein the busing 62 and 63 surrounds the plunger when the plunger is placed into the cavity of the enclosure through an opening of the enclosure;

Claim 6: a first slot and second slot, wherein the second slot is positioned at an angle to the first slot, such that one key portion is aligned initially with the first slot and the plunger is thereafter inserted through the bushing, followed by a rotation of the plunger until the key portion is aligned with the second slot, thereby providing a surface to which the plunger stops against;

Claims 8: a plunger having an undercut portion, wherein the plunger is formed in the shape of the shaft and is partially located and maintained within the cavity of the enclosure; a removable mating cover for engaging the enclosure at an opening formed from at least one side wall of the plurality of walls, the cover comprises a protruding portion which surrounds and engages the plunger at the undercut portion, thereby providing a stop for the plunger to prevent the plunger from disengaging from the enclosure.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

7. Any inquiry concerning this communication should be directed to Lisa Nhung Klaus whose telephone number is (571)272-1993, and whose fax number is 703-872-9306. In the event that I am not reached, you can contact my supervisor, Mr. Elvin G. Enad at (571)272-1990 or the tech center receptionist at (703) 308-1782.

Lisa Nhung Klaus

Patent Examiner - Art Unit 2832

September 23, 2004

**ANH MAI**  
PRIMARY EXAMINER